IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 3107 of 2007(T)

PETITIONER:

B.BHAGEERATHI AMMA,
W/O.G.RAVINDRAKURUP, RAVI VILAS,
PULIYOORKONAM P.O., MADAVOOR PALLICKAL,
THIRUVANANTHAPURAM.

BY ADV. SRI.C.R.SIVAKUMAR
SMT.G.VIDYA
SRI.SANTHOSH PETER (MAMALAYIL)

RESPONDENTS:
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1. THE STATE OF KERALA,
REP.BY THE SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE LAND REVENUE COMMISSIONER,
OFFICE OF THE LAND REVENUE COMMISSIONER,
MUSEUM JUNCTION, THIRUVANANTHAPURAM.

3. HE REVENUE DIVISIONAL OFFICER,
REVENUE DIVISION OFFICE, EAST FORT,
THIRUVANANTHAPURAM.

4. THE TAHSILDAR,
TALUK OFFICE, CHIRALYINKEEZHU,
THIRUVANANTHAPURAM.

5. THE VILLAGE OFFICER,
VILLAGE OFFICE, MADAVOOR,
THIRUVANANTHAPURAM.

6. P.L.VIJAYAKUMAR,
S/O.PEETHAMBARA KURUP,
LAKSHMI NIVAS, CHANGAYILKONAM P.O.,
PULIYOORKONAM (PO), THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P.(C)No.3107 Of 2007

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Dated this the 30th day of January, 2007.

J U D G M E N T

The second respondent appears to have entertained a revision or an appeal under the Kerala Land Utilisation Order 1967 and has issued Ext.P7 interlocutory order. If the decision that is stayed as per Ext.P7 is on proceedings initiated by the writ petitioner,there is no reason to assume that the matter will be decided without hearing the petitioner. The mere ground that the writ petitioner was not heard before issuance of Ext.P7 would not stand. At any rate, the petitioner has the opportunity to move the Land Revenue Commissioner for vacating Ext.P7 order or for hearing the appeal and revision. Needless to say, that if initial proceedings were initiated by the petitioner, she will also be heard following Ext.P4 judgment. It is advised that any construction activity by the 6th respondent will be subject to decisions of the Land Revenue Commissioner. Writ petition is hence dismissed, without entering on merits, however preserving the rights of all parties concerned.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

sj